

March 3, 2022
Sl. No.3
Court No.1
SG/s.biswas

MAT 32 of 2022
With
CAN 1 of 2022

M/s. Swaroop Pharmaceuticals Pvt. Ltd.
vs.
The State of West Bengal and others

(Through Video Conference)

Mr. Adul Hadi, Advocate

... for the appellant

Mr. Samrat Sen, Id. AAAG
Ms. Manali Ali, Advocate

... for the State

By this appeal the appellant has challenged the order dated 03.01.2022 passed by learned Single Judge whereby WPA 19667 of 2021 has been dismissed.

Limited submission of learned counsel for the appellant is that by the order of blacklisting dated 07.10.2021 the appellant has been deprived of participating not only in the tenders floated by the State of West Bengal but the tenders which are floated by all other States. His limited submission is that the impugned order dated 07.10.2021 should be confined to the blacklisting in the State of West Bengal only.

Learned counsel for the State has informed that subsequently another order dated 22.11.2021 has been issued restricting the blacklisting to the tenders being floated by the concerned department of the State of West Bengal. Subsequent order dated 22.11.2021 has been

placed on record, which is the corrigendum of the earlier order, reads as under:

CORRIGENDUM

In connection with Memo No.HST/55-11-2021/510 dated 07/10/2021, regarding blacklisting of the firm M/s Swaroop Pharmaceutical Pvt. Ltd. for the items (1) Dextrose Solution I.P, 5% (Blow Fill and Seal process Cat No. D 4.1 (2) Sodium Chloride inj. IP 0.9% Normal or isotonic saline) Na +154 mmol/L, CL-154 mmol/L (Blow Fill & Seal process) Cat No.\$9.1 (3) Ringer Lactate Solution L.P. Inj. (Blow Fill & Seal Process) Cat No.R7.1 vide NIT No.HST/4T-23-2020/DRUG/2021-23/113 dated 24/11/2020, the clause should be read “the firm will henceforth be debarred from participation in the particular item in any tender invited by this department for the aforesaid time period” instead of “the firm will henceforth be debarred from participation in all tenders invited by this department for the aforesaid time period” in the final paragraph of the order. Rest of the order will remain unchanged.

Having regard to the subsequent development, the grievance of the appellant does not survive. Hence, no case for interference in this appeal is made out.

The appeal and connected application are accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]